

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELI WILNER & CO. INC., et al., Plaintiffs, v. TITANZ LLC, et al., Defendants.

23 Civ. 11084 (DEH)

ORDER

DALE E. HO, United States District Judge:

On February 27, 2024, Defendants BTM Holdings, LLC, Ian Lerner, and Titanz LLC filed a motion to dismiss the First Amended Complaint. *See* ECF No. 33. On March 14, 2024, Plaintiffs filed a stipulation of voluntary dismissal as to those Defendants. *See* ECF No. 46. The sole remaining Defendant is Teddy Ishak. Defendant Teddy Ishak was served with the original Complaint, *see* ECF No. 30, but proof of service of the Amended Complaint on Teddy Ishak does not appear on the docket and he has not appeared in this action.

An order issued February 28, 2024, scheduled the initial pretrial conference for March 20, 2024, and directed the parties to file a joint status letter and proposed case management plan by March 13, 2024. *See* ECF No. 37. Plaintiffs filed the required proposed case management plan on March 14, 2024. *See* ECF No. 44. An order issued March 14, 2024, directed Plaintiffs to file a letter by March 18, 2024, regarding their efforts to serve and provide actual notice of this lawsuit to Teddy Ishak. *See* ECF No. 45.

It is hereby **ORDERED** that Defendants motion to dismiss the First Amended Complaint is **DENIED** as moot.

It is further **ORDERED** that the initial pretrial conference is **ADJOURNED** from March 20, 2024, to **April 10, 2024, at 11:30 A.M. EST.** The parties shall join the conference by

dialing (646) 453 – 4442 and entering the conference ID: 743 456 635, followed by the pound sign (#). The parties shall file the joint status letter and proposed case management plan by **April 3, 2024**. Plaintiff shall file the required status letter regarding service and any communications with Teddy Ishak by **March 18, 2024**, in accordance with the previously-issued order.

The Clerk of Court is respectfully directed to close the motion at ECF No. 33.

SO ORDERED.

Dated: March 15, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is written above a horizontal line.

DALE E. HO
United States District Judge